

REMARKS/ARGUMENTS

In the Office Action mailed March 19, 2009, claims 1 – 7 were rejected. In response, Applicant has amended claims 1, 2, 6, and 7 and added new claims 8 – 19. Applicant hereby requests reconsideration of the application in view of the amended claims, the new claims, and the below-provided remarks.

Claim Rejections under 35 U.S.C. 112

Claims 1, 6, and 7 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claims 1, 6, and 7 recite the limitation “the receiver” in the body of the claim and it is unclear which receiver is being referenced. In response, Applicant has amended claims 1, 6, and 7 to recite “the *transportable* receiver.” Antecedent basis for the term “the transportable receiver” is found in claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 1, 6, and 7 under 35 U.S.C. 112, second paragraph, be withdrawn.

Claim Rejections under 35 U.S.C. 102 and 103

Claims 1 – 4 were rejected under 35 U.S.C. 102(b) as being anticipated by Kamlah (U.S. Pat. Pub. No. 2004/0024429). Additionally, claims 5 – 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kamlah in view of Mindl et al. (U.S. Pat. No. 6,714,119, hereinafter Mindl). However, Applicant respectfully submits that these claims are patentable over Kamlah and Mindl for the reasons provided below.

Claim 1

Claim 1 has been amended to particularly point out that a spatial gradient is measured by the transportable receiver. As amended, claim 1 recites:

“A security system, in particular in a motor vehicle comprising:
a transmitter which transmits a signal in the form of an electromagnetic field: and

a transportable receiver which receives the signal and sends back a corresponding response signal to a further receiver, characterized in that a spatial gradient of the electromagnetic field is measured by the transportable receiver.” (emphasis added)

That is, the transportable receiver measures a spatial gradient of an electromagnetic field. Applicant asserts that Kamlah does not disclose a transportable receiver that measures a spatial gradient of an electromagnetic field as recited in amended claim 1.

In contrast to amended claim 1, Kamlah discloses a portable code transmitter (2) that measures polarization components of an electromagnetic field so that the portable code transmitter can characterize the polarization state of the electromagnetic field. In particular, Kamlah discloses that the portable code transmitter has coils Ax, Ay, and Az, which can detect the field strength of x, y, and z components of an electromagnetic field, Kamlah paragraph [0037]. The field strength of the different components of the magnetic field is then used to determine the polarity of the electromagnetic field and only if the portable code transmitter detects a certain predefined polarity will the portable code transmitter transmit a response signal back to the vehicle mounted transceiver, Kamlah [0038]. Although Kamlah discloses that the portable code transmitter can determine the polarity of the electromagnetic field, Kamlah makes no mention of measuring the spatial gradient of the electromagnetic field. Because Kamlah makes no mention of measuring the spatial gradient of the electromagnetic field, Applicant asserts that amended claim 1 is not anticipated by Kamlah.

Dependent Claims 2 – 7

Claims 2 – 7 depend from and incorporate all of the limitations of claim 1. Applicant respectfully asserts that claims 2 – 7 are allowable at least based on an allowable claim 1. Additionally, claim 2 may be allowable for further reasons, as described below.

Claim 2 has been amended to recite that “the electromagnetic field is essentially spatially homogeneous.” Applicant asserts that Kamlah does not disclose an electromagnetic field that is spatially homogeneous. Kamlah discloses that the interrogation signal emitted by the motor vehicle transceiver may have circular or

elliptical polarization, Kamlah paragraph [0029]. Additionally, Kamlah points out that “[a] wave having elliptical or circular polarization is composed of two waves with linear planes, which are perpendicular to one another.” Because a wave having elliptical or circular polarization is composed of two waves with linear planes, which are perpendicular, to each other, Applicant asserts that Kamlah does not disclose an electromagnetic field that is spatially homogeneous as recited in amended claim 2.

New Claims

New claims 8 – 10 depend on claim 1. Support for new claims 8 and 9 is found in Applicant’s specification at, for example, paragraph [0015] (U.S. Pat. Pub. No. 2007/0188300 A1). Support for new claim 10 is found in Applicant’s specification at, for example, paragraph [0011].

New claim 11 is an independent claim. Support for new claim 11 is found in Applicant’s specification at, for example, paragraph [0026]. Claims 12 – 17 are dependent on claim 11. Support for new claims 12 – 14 is found in Applicant’s specification at, for example, paragraph [0015], support for new claim 15 is found in Applicant’s specification at, for example, paragraph [0011], and support for new claims 16 and 17 is found in Applicant’s specification at, for example, original claims 5 and 7, respectively.

New claim 18 is an independent claim. Support for new claim 18 is found in Applicant’s specification at, for example, paragraph [0011]. Claim 19 is dependent on claim 18. Support for new claim 19 is found in Applicant’s specification at, for example, paragraph [0015].

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amended claims, the new claims, and the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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